

Gaylord, Brent

From: Arcaya, Alyssa
Sent: Tuesday, August 20, 2019 10:48 AM
To: Jackson, Wayne; Gaylord, Brent
Subject: FW: Pete- urgent Beach Act matter

FYI- Seggos's email to Pete. Please don't forward or share.

From: Laureano, Javier <laureano.javier@epa.gov>
Sent: Tuesday, August 20, 2019 10:45 AM
To: Arcaya, Alyssa <arcaya.alyssa@epa.gov>; Brandt, Peter <Brandt.Peter@epa.gov>; Balla, Richard <Balla.Richard@epa.gov>
Subject: FW: Pete- urgent Beach Act matter

FYI

From: Lopez, Peter <lopez.peter@epa.gov>
Sent: Sunday, August 18, 2019 3:12 PM
To: Seggos, Basil B (DEC) <Basil.Seggos@dec.ny.gov>
Cc: Berkman, Thomas S (DEC) <thomas.berkman@dec.ny.gov>; Tierney, James M (DEC) <james.tierney@dec.ny.gov>; Laureano, Javier <laureano.javier@epa.gov>; Gratz, Jeff <Gratz.Jeff@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Mears, Mary <Mears.Mary@epa.gov>; Rodriguez, Elias <Rodriguez.Elias@epa.gov>; Mugdan, Walter <Mugdan.Walter@epa.gov>; Lyon, Christopher <lyon.christopher@epa.gov>; Kopec, Slawomir <kopec.slawomir@epa.gov>; Soltani, Beth <Soltani.Beth@epa.gov>; Hickey, Maureen <Hickey.Maureen@epa.gov>
Subject: Re: Pete- urgent Beach Act matter

Hi My Friend.

Got your note. Very pleased to discuss at your earliest convenience.

I know we have so many things on the table before us. To make sure I don't miss key communications from you, please have your team follow up any email with a call to me. If they can't reach me, my executive team (DRA, Chief of Staff, Executive Assistant) will also be sure to track me down.

Best wishes.

Sincerely,
Pete

Pete Lopez
Regional Administrator
US EPA-Region 2
290 Broadway
New York, NY 10007
(212) 637-5000
(917) 376-2190 (cell)

On Aug 15, 2019, at 2:01 PM, Seggos, Basil B (DEC) <Basil.Seggos@dec.ny.gov> wrote:

Pete,

I wanted to reach out to you today on an issue of utmost concern to DEC, regarding EPA's plan to public notice a rule implementing the Federal Beach Act standards for all class "I" and "SD" waters in New York. My staff has raised this repeatedly with your staff but it appears we have made no progress.

As you may know, the great majority of these waters are located in and around New York City. EPA's noticing and finalization of this rule would have a catastrophic fiscal impact on New York City and likely set back ongoing progress. In addition, the Beach Act does not apply to these waters. EPA is choosing to interpret New York's standard as allowing swimming in the "I" and "SD" waters, when in fact it does not. Given that New York's standard does not allow swimming, the Beach Act standards are not applicable.

Here are the implications: it is my understanding that it would cost New York City approximately \$108 billion (yes, billion) to attempt to comply with the standards set by such a rule, mostly in upgrading treatment for its combined sewer overflows (CSOs). This figure dwarfs the city's entire annual capital budget, and I can't imagine this would have a good effect on water rates. Regardless of whether EPA were to issue a temporary variance delaying implementation of the rule, that amount would be excessive. It is also my understanding that even if New York City could somehow spend this amount and construct facilities that treat to the limit of technology, they would still not be in compliance with the Beach Act Standards 100% of the time.

Furthermore, DEC has already required (via 4+ years of hard-earned consent order negotiations) New York City to implement a robust CSO program that has made, and continues to make, substantial progress on CSO abatement. Conservatively, New York City has already spent approximately \$4.4 billion, and is required to spend an additional \$3.3 billion on CSO projects. EPA's noticing of Beach Act standards would likely cause the City to cease work immediately on important ongoing projects—even with a variance.

Lastly, New York State has already put these standards in place for those waterbodies where swimming does, and should, occur. We recently noticed a rule-making implementing the Beach Act requirements for all water bodies where beaches are located. This allows us to regulate swimming in appropriate locations. Making all the waters around New York City subject to swimming would put the give the public the false impression that one could swim anywhere, in spite of dangers posed by boat traffic, currents, and obstacles.

Please let me know if you are able to speak about this matter today.

Thanks,

Basil

Basil Seggos
Commissioner

New York State Department of Environmental Conservation

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www.dec.ny.gov | <image001.gif> | <image002.gif>